



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 4/12/01

AGENDA ITEM _____

To: Planning Commission

From: Richard Patenaude, Acting Principal Planner

Subject: Use Permit/Site Plan Review Application No. 01-160-05 – Al Shaghaghi for SLS Associates, Inc. (Applicant) / Sellau Properties, Inc. & Wirrulla Hayward, LLC (Owners) – Request for a Retail Center to Accommodate a 126,000-Square-Foot Regional Retail Building (Target) with a 7,886-Square-Foot Garden Center, and a Pad for a Future 8,000-Square-Foot Restaurant/Retail Building, on Approximately 13 Acres – *The Project Is Located at the Northeast Corner of Whipple Road and Industrial Parkway Southwest*

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Mitigated Negative Declaration, and approve the Use Permit/Site Plan Review Application subject to the attached findings and conditions of approval.

DISCUSSION:

This project is a request for a use permit/site plan review to accommodate construction of a retail center on approximately 13 acres, including a 126,000-square-foot regional retail building (Target) with a 7,886-square-foot garden center, and a pad for a future 8,000-square-foot restaurant/retail building. For comparison of size, the *Costco Business Center* building at West A Street and Hathaway Avenue contains approximately 105,000 square feet, and the approved *The Home Depot* at Hesperian Boulevard and Sueirro Street contains 107,920 square feet with an accessory 23,928-square-foot garden center.

A restaurant, which offers separate bar service, such as *Applebee's*, may choose to occupy the restaurant/retail pad. Such restaurant would not be required to apply for a new use permit, but would be subject to the conditions of the City's Alcoholic Beverage Outlet Regulations as an on-sale liquor establishment. The census tract in which the project is located is "underconcentrated" regarding the number of alcohol establishments. In the immediate area, only *Denny's* restaurant has a liquor license, for on-site sales.

The proposed development is located within the "I" District at the southern gateway to Hayward. The site is designated as "Industrial Corridor" on the General Policies Plan Map. The Zoning Ordinance specifically recognizes this site as a prime location for regional or sub-regional retailers due to its location at the junction of two arterial roadways, access to the Nimitz Freeway (I-880), and high visibility. Commercial retail development of this nature is allowed in the "I" District on minimum 4-acre parcels visible from the freeway with the Planning Commission's approval of a Conditional Use Permit; the project area is approximately 13 acres.

This intersection is at a primary entrance to the City, and this location will be the most prominent as northbound vehicles exit the Nimitz Freeway (I-880) to access the industrial corridor of Hayward. The City's Design Guidelines call for an "image zone" at major intersections to create a strong sense of entry for the project and, in this case, the City. The City Council Commercial Center Improvement Committee (CCCCIC), at its meeting of February 26, 2001, recommended that all street-facing elevations be highly articulated, including variations in the parapet level.

Setting

The eastern portion of the site is currently vacant of structures, contains weeds, and is surrounded by a 6-foot chain-link fence. The western portion is currently occupied by a one-story, approximately 20-foot-high, steel building and a 9-foot-high portable building. These buildings will be demolished to accommodate the proposed development.

An Alameda County flood control channel is located between the property and Industrial Parkway Southwest. It is about 35 feet wide and 6 feet deep. The culvert within the flood control channel, which currently serves as a bridge to the western portion of the site, will be removed. A new larger-volume box culvert will be installed across the channel at the new access. A California Fish & Game Streambed Alteration Agreement will be required for the changes made to the channel.

Site Plan

Access to the site is provided from four driveways: a driveway on Industrial Parkway SW (across a new box culvert crossing the Alameda County Flood Control channel), two driveways on Whipple Road, and a driveway on Wiegman Road. All driveways will be stop-sign controlled for vehicles exiting the site. Truck access is provided from the easternmost driveway on Whipple Road and the driveway on Wiegman Road.

The larger *Target* building is proposed at the southeast corner of the site along Whipple Road with the storefront facing Industrial Parkway Southwest and the loading area facing Wiegman Road. The smaller restaurant/retail building is set back in the northwest portion of the site toward, facing the intersection of Whipple Road and Industrial Parkway SW. The applicant believes that the proposed site plan best utilizes the property, given its awkward shape and the need to screen the truck loading. The building locations also provide better visibility from the freeway.

Approximately 3½ acres of wetlands have been identified on the site. The project proposes to preserve approximately one-half acre of wetlands between *Target* and Whipple Road and

mitigate the remainder off-site. The wetland proposed for preservation is buffered with landscaping around the perimeter to enhance the area and provide a transition between the wetland and the developed site. The project also proposes to compensate for the unavoidable loss of the remaining 3 acres of wetlands through either the purchase of appropriate mitigation credits from an agency-approved mitigation bank or off-site, in-kind habitat restoration, at a 2:1 ratio.

A Request for Verification of the Wetland Delineation and Pre-Construction Notification was prepared by ECORP Consulting, Inc., on February 10, 2000 and revised on April 19, 2000 ("Wetland Delineation"). According to that report, the California Department of Fish and Game's Natural Diversity Data Base ("NDDB") identifies no occurrences of special-status species within the Industrial Parkway project site. Based on a rare plant survey conducted on the site, it was concluded that there are no federally listed plants on the site. Raptor and burrowing owl surveys were also conducted, which resulted in the determination that no nesting raptors or burrowing owls presently occur on-site. The Army Corps of Engineers has jurisdiction in the wetlands. The developer will be required to obtain a Department of the Army Individual Permit, and a Section 401 Water Quality Certification.

Architecture and Landscaping

The buildings are designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding industrial and retail uses alike. *Terra-cotta*-colored split-face concrete block is proposed for the main building walls. A raised parapet and steel-framed canopy emphasize the main entry. The entry and other raised accent wall areas are of tan-colored split-face concrete block. The tan-colored cornice and base details highlight the building. Columns on all elevations establish a rhythm and break up the long horizontal building lines. Each column is accented ceramic tile medallions, as well are larger wall sections. The applicant responded well to the comments of the CCCCIC in arriving at the proposed architectural treatment.

The Hayward Design Guidelines require private property improvements along major street corridors to develop a quality image of the City of Hayward. As recommended by the CCCCIC, an entry statement consisting of a decorative wall, with significant landscape materials, will be required at the corner of Industrial Parkway SW and Whipple Road to provide a signature statement as the property is approached from the freeway. A detailed landscape and irrigation plan will be prepared by a licensed landscape architect and submitted for review and approval by the Planning Director. A combination of vertical-growth landscaping and vine-covered trellises will be provided along all elevations of both buildings to soften the visual impact of building mass. A similar landscape treatment may be seen along the freeway-side of *Wal-Mart* on the westerly side of I-880 and on *The Home Depot* to the north of the project. All loading areas will be screened with walls and landscaping.

A tenant has not yet been identified for the restaurant/retail building and, therefore, it has not been designed. Site Plan Review will be required at such time plans are submitted, and the design shall be compatible with that of the *Target* building.

A detailed sign program, subject to approval by the Planning Director, will also be required prior to the approval and installation of any individual signs. It is anticipated that there will be

a wall sign facing each street, a monument sign at each of the two primary street entrances, and a freeway-oriented sign incorporated into the monument feature at the corner of Whipple Road and Industrial Parkway SW.

External Traffic

Kimley-Horn & Associates, Inc prepared a Traffic Impact Analysis, dated March 7, 2001. The proposed project is expected to generate 8,625 ADT, with 152 AM and 572 PM peak hour trips. The analysis showed that project traffic would cause one intersection, Whipple Road/Industrial Parkway SW, to exceed the City's LOS D requirement during both the AM and PM peak hours. To mitigate this impact, a westbound through-lane and a westbound right-turn lane will be required on Whipple Road. To achieve the additional through-lane, on-street parking will be removed from the southerly side of Whipple Road.

A level-of-service analysis was conducted to review the operation of the project driveways. In addition, a signal warrant analysis was conducted for the main driveway on Whipple Road. Based on the analysis, all driveways will be controlled by a stop sign for exiting vehicles. The main driveway on Whipple Road will be restricted to left-turn-in and right-turn-out movements; Whipple Road will be marked with "KEEP CLEAR" in front of the driveway to provide a break in the queue to allow for the left turns. The service driveway on Whipple Road will be restricted to right-turn-in and right-turn-out movements due to the proximity to Wiegman Road. The driveway on Industrial Parkway SW will also be restricted to right-turn-in and right-turn-out movements due to the median and the proximity to Whipple Road.

The intersection of Whipple Road/SB I-880 ramps/Dyer Street will exceed the City's LOS threshold. However, the project will not have a significant impact, as this intersection will experience lower than a 5-second average intersection delay increase as a result of project traffic. There are no available mitigation measures that would improve this condition.

ENVIRONMENTAL REVIEW:

The project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Checklist was prepared for the project. Issues with potentially significant impacts discussed in the checklist were in regard to air quality, geologic/seismic, traffic/circulation and wetland/riparian conditions. It was determined that the proposed project, as conditioned to include the recommended mitigation measures, could not result in significant effects on the environment. Therefore, a mitigated negative declaration was distributed for review on March 12, 2001.

The project is subject to the issuance of a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Streambed Alteration Agreement regarding the wetlands mitigation plan and the improvements to the flood control channel. This project is subject to, and shall comply with, all requirements and conditions of these permits, certifications and agreements. Any modification to this use permit, and its conditions of approval, due to compliance with these permits, certifications and agreements shall require review and approval by the Planning Director.

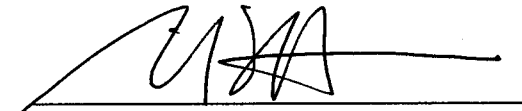
PUBLIC HEARING NOTICE:

On March 16, 2001, a Notice of Public Hearing and Notice of Preparation of the Mitigated Negative Declaration was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records and to all parties having previously expressed an interest in this project.


CONCLUSION:

Target's proposal for a regional-based retail center is consistent with the City's goals and policies for development on this site and provides an anchor at Hayward's southern gateway. The proposed center will provide a retail/service option not currently provided in the City of Hayward. The architecture, building materials and signage establish a new design theme for this area of the City while remaining compatible with the industrial nature of the corridor. With the proposed conditions of approval, staff recommends that the Planning Commission approve this project.

Prepared by:


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Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings for Approval
- B. Conditions of Approval
- C. Area Map
- D. Mitigated Negative Declaration/Environmental Checklist/Mitigation Monitoring Plan Plans

FINDINGS FOR APPROVAL
Use Permit/Site Plan Review No. 01-160-05
Whipple Road @ Industrial Parkway SW
Al Shaghghi for SLS Associates, Inc. (Applicant)
Sellau Properties, Inc. & Wirrulla Hayward, LLC (Owner)

Based on the staff report and the public hearing record:

- A. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
- B. The project is in conformance with the General Policies Plan Map designation of Industrial Corridor. It has been determined that regional and subregional retail uses may be compatible on lands within the Industrial Corridor, which also have direct access to major transportation routes. The subject property is located proximate to the Nimitz Freeway (Route I-880).
- C. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Industrial (I) as proposed. Such district permits regional and subregional retail uses provided that such use complies with the General Policies Plan and that such uses are located on properties in excess of 4 acres. The subject property contains approximately 13 acres.
- D. The development, as conditioned, will provide a use that will be in conformity with applicable performance standards, will be appropriate in size, location and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding commercial and industrial development in that the proposed use is permitted at this location. The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.
- E. The regional retail facility is in excess of 10,000 square feet of floor area and will devote not more than 5 percent of such floor area to the sale, display and storage of alcoholic beverages. A future restaurant may be classified as an on-sale alcohol establishment and will be subject to the conditions of the City's Alcoholic Beverage Outlet Regulations. The census tract in which both facilities lie is "underconcentrated" regarding the number of alcohol establishments. As such, the facility will be properly regulated and controlled to ensure that the public health and safety, and the public convenience and necessity, are provided with respect to sale and use of alcoholic beverages at this facility.

- F. The surrounding streets and utilities, with the required modifications, are adequate to serve the development.
- G. The project will not affect population projections, induce substantial growth or displace existing housing.
- H. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground-shaking.
- I. The project site contains 3.43 acres of wetlands and a channelized flood control facility. The wetlands is under the jurisdiction of the Army Corps of Engineers. Although the wetlands supports only limited aquatic life, it will be subject to the conditions of a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Streambed Alteration Agreement. No endangered, threatened or rare species are known to inhabit the project site.
- J. A requirement to reduce dust generation and exhaust emissions during construction will reduce air quality impacts to a level of insignificance.
- K. The mitigation measures required for the project, as recommended by the traffic impact analysis, dated march 7, 2001, will reduce the traffic impacts to a level of insignificance.
- L. Construction related to this project will be designed to perform to applicable codes, and, therefore, would not be in conflict with adopted energy conservation plans.
- M. The Fire Department will require appropriate measures to reduce any release of hazardous materials below an acceptable level of risk.
- N. The project will have no effect on government services or utilities.
- O. No known archaeological or paleontological resources exist on the project site.

CONDITIONS OF APPROVAL
Use Permit/Site Plan Review No. 01-160-05
Industrial Pkwy. SW @ Whipple Rd.
Al Shaghghi for SLS Associates, Inc. (Applicant)
Wirulla Hayward LLC & Sellau Properties, Inc. (Owner)

Planning Division

1. Use Permit/Site Plan Review No. 01-160-05 to accommodate construction of a commercial retail center consisting of a 126,000-square-foot retail building with a 7,886-square-foot garden center, and a pad for a future 8,000-square-foot restaurant/retail building, shall be constructed according to these conditions of approval and the plans approved by the Planning Commission on April 12, 2001.
2. This approval is void one year after the effective date of approval unless prior to that time an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior April 12, 2002.
3. The project is subject to the issuance of a Department of the Army Nationwide 26 Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Stream Alteration Agreement. This project is subject to, and shall comply with, all requirements and conditions of these permits, certifications and agreements. Any modification to this use permit, and its conditions of approval, due to compliance with these permits, certifications and agreements shall require review and approval by the Planning Director.
4. Unless otherwise required, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director prior to final inspection and occupancy of any structures.
5. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
6. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.
7. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes and within areas designated for outdoor display of merchandise for sale. No material shall be stacked higher than the height of the trash enclosure screen wall and gate.

8. Tenant management shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding commercial uses would not be bothered and that loitering is not permitted.
9. Sidewalks and parking lots must be kept free of litter and debris and to minimize the amount of wind-blown debris into the wetlands mitigation area and surrounding properties. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system and wetlands mitigation area. No cleaning agent may be discharged to the storm drain or wetlands mitigation area. If any cleaning agent or degreaser is used, washwater shall be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City wastewater treatment plant.
10. A minimum of two trash receptacles shall be placed at each customer entry to both buildings. Trash receptacles shall be a decorative, pre-cast concrete type with a self-closing metal lid.
11. No vending machines shall be displayed outside the building, except for newspaper racks.
12. The applicant, owner(s) and/or tenants shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
13. Delivery vehicles shall access the site from Wiegman Road or the most-easterly Whipple Road driveway only.
14. The site must be surveyed for burrowing owls during the nesting season (February 1 – August 31) to determine if owls occur on the site or within 250 feet of the site. The methods must follow the Department of Fish & Game's survey protocol. If Owls are observed during the surveys (or have nested on the site within the last three years) a burrowing owl habitat map and mitigation plan must be prepared by a qualified ornithologist. Within 30 days prior to any site alteration, pre-construction surveys for burrowing owls must be conducted. If owls are observed during the pre-construction surveys, no impacts will be allowed during the nesting season.
15. A future restaurant that is classified as an on-sale liquor establishment shall be subject to the conditions of Zoning Ordinance Section 10-1.2735b. except that a new Conditional Use Permit is not required if construction of the restaurant has begun within one year of the effective date of this permit. In addition, all employees engaged in the dispensing of alcoholic beverages shall attend Responsible Beverage Service training within six months of their hire.
16. The following conditions shall apply regarding the sale of alcoholic beverages at *Target*:
 - a. There shall be no sale of malt liquor;
 - b. There shall be no sale of single-serving containers;
 - c. There shall be no sale of refrigerated containers;

- d. There shall be no promotional advertising of alcoholic beverages nor shall there be any advertising of alcoholic beverages visible from the exterior of the building.

Design

17. Shopping cart storage and retrieval area(s) shall be screened from view from the parking lot and adjacent streets and properties by a solid masonry wall at least 3 feet in height. The materials and colors of this wall shall be consistent with those of the structure. Adequate retrieval areas shall be placed within the parking lot.
18. All roof mechanical equipment and any satellite dish shall be fully screened from the freeway and from ground-level view within 150 feet of the property.
19. Prior to occupancy and the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval, subject to the following:
 - a. compliance with the City of Hayward Sign Regulations;
 - b. the sign program may include one freeway-oriented sign, and two monument signs (one per street frontage) to be shared by *Target* and the restaurant/retail building;
 - c. in addition, a monumental entry element, consisting of decorative wall and landscape features, shall be located at the intersection of Whipple Road/Industrial Parkway SW;
 - d. the base and framing of any freestanding/monument sign shall reflect the architectural design, colors and materials of the building;
 - e. wall signs shall use individual channel letters;
 - f. directional signs shall not exceed 6 sq.ft. in area per face and 3 feet in height; and
 - g. the applicant/business operator shall not display any illegal banner signs, portable signs, inflatable signs, or other illegal signs on the property.
20. Exterior lighting for the establishment shall be maintained which is adequate for the illumination and protection of the premises but does not exceed a light level that provides glare to motorists, nor spills onto nearby properties, or up into the sky. The fixtures shall be designed to keep the light from spilling onto adjacent properties. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. Luminaires shall be of a design that complements the architectural style of the building and the landscaping in developing a quality image of the City of Hayward and shall be approved by the Planning Director. The maximum height of the luminaires shall be no greater than the height of the structures unless otherwise permitted by the Planning Director. The lighting, and its related photometric, plan shall be reviewed and approved by the Planning Director.
21. Changes in building color require the approval of the Planning Director.

Landscaping

22. The applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans

shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:

- a. Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls. The minimum dimension of any new tree well or landscape median shall be five feet, measured from back of curb.
 - b. Parking areas shall be buffered from the street with shrubs. Where shrubs are used for buffering, their type and spacing shall create a continuous 30-inch high screen within two years. In compliance with this condition, additional shrubs will be required along Industrial Parkway SW and Whipple Road.
 - c. All blank building façades, at the discretion of the Planning Director, shall be softened with a combination of vertical-growth landscape materials and vines on decorative trellises.
 - d. Above ground utilities (e.g. gas or electric meters, backflow devices) shall be screened from the street with shrubs.
 - e. Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.
 - f. Landscaping contiguous with the wetlands mitigation area shall provide a compatible transition zone between the site and wetland vegetation. The wetlands mitigation area shall be vegetated as recommended in the wetland mitigation plan.
 - g. A decorative fence, to be approved by the Planning Director and the Fire Chief, and which meets the conditions and requirements of the Department of the Army Nationwide 26 Permit, the Section 401 Water Quality Certification, and the California Department of Fish & Game Stream Alteration Agreement, shall be provided between the site and the wetlands mitigation area. Landscaping materials shall be installed along the northerly side of the fence that will provide a dense screen at least three feet high when mature. Until maturity is achieved, a temporary 3-foot-high screen shall be placed along the base of the fence to stem the flow of litter and debris from the parking lot; the Planning Director shall approve such screen.
 - h. Street trees, low shrubs and groundcover shall be planted along Industrial Parkway SW and Whipple Road. Trees shall be minimum 24-inch box planted 40 feet apart according to City Standard Detail SD-110.
 - i. Evergreen trees shall be planted every 20 feet along the northerly property line. Trees shall be minimum 15-gallon.
23. Until such time the restaurant/retail building is constructed, its site shall be landscaped with turf and/or other suitable materials, subject to review and approval by the City's Landscape Architect. The materials shall be shown on the detailed landscape plan.
24. Landscaping shall be installed and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.
25. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or

dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Parking/Driveways

26. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The parking areas shall be paved with either Portland cement or asphalt concrete and the area shall be striped to designate the parking stalls. The Planning Director shall approve the design of the driveway, curbing and materials to be used. Aisles, approach lanes, drive-through lanes and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow.
27. Vehicular circulation areas shall be signed as a fire lane and posted for no parking except within designated parking stalls and pick-up areas.
28. The Industrial Parkway SW and the westerly Whipple Road driveway entries, between the property line and the first cross aisle, shall be enhanced with decorative pavement such as colored, stamped concrete (bomanite or equivalent), brick, concrete interlocking pavers, or other approved materials. The Planning Director shall approve the location, design and materials utilized.
29. A reciprocal, permanent and non-exclusive access and parking agreement shall be entered into between all property owners/tenants and recorded prior to issuance of any building permit. Such agreement shall include the installation and maintenance of lighting and landscaping. The City Attorney shall approve such agreement.
30. At such time adjacent properties are developed with retail uses, the property owner(s) shall provide for vehicular access connections into parking areas on the adjacent properties to reduce the need for street access.

Building Division

31. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer prior to occupancy. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into stormwater runoff. Prior to issuance of a building permit, a drainage plan shall be submitted that meets the approval of the Planning Director, and shall include the following:
 - a. That all storm water is conveyed into City of Hayward or Alameda County Flood Control District facilities.
 - b. Structural controls such as oil/water separator, sand filter or fossil filter or other approved devices per applicant's discretion which accomplish the same shall be installed to intercept

and treat storm water prior to discharging to the storm drain system. The design, location, and a maintenance schedule shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.

- c. Erosion control measures to prevent soil, dirt and debris from entering the storm drain system during construction, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
- d. The labeling of all on-site storm drain inlets in the shopping center with "No Dumping - Drains to Bay," using approved methods approved by the City.
- e. The cleaning of all storm drains in the shopping center at least once a year immediately prior to the rainy season (October 15th). The City Engineer may require additional cleaning.
- f. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash area, the wash water shall be discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary.
- g. Drains in any wash or process area shall not discharge to the storm drain system. Drains should connect to an approved collection system. The collection system is subject to the review and approval of the City Engineer prior to the issuance of a building permit.
- h. Truck loading docks shall be constructed so to prevent run-off of drainage from outside the dock; and to minimize the discharge of dock area flows to the storm drain.

32. The National Pollution Discharge Elimination System (NPDES) standards shall be met. A Notice of Intent permit is required from the Regional Water Quality Control Board prior to the start of any grading. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order. The NPDES program shall include the following items:

- a. Gather all construction debris on a regular basis and place them in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
- b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
- d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15), 2) site dewatering activities, or 3) street washing activities, 4) saw cutting asphalt or

- concrete, in order to retain any debris or dirt flowing into the City storm drain system as necessary. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
- e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - f. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
 - g. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
33. Water Pollution Source Control requirements shall include but not be limited to the following:
- a. No polluted waters from HVAC units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
 - b. All wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain, including mat cleaning and any washing of the trash area.
 - c. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit. A monitoring structure (SD309) shall be constructed on the sewer lateral for each building.
 - d. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute stormwater runoff.
 - e. All discharges and connections shall require approval from Water Pollution Source Control.
34. There are two deep-water wells located on this property. One of the wells has been destroyed; however, this well shall be destroyed by means set out under current standards of the Alameda County Public Works Agency (ACPWA) and the Alameda County Water District (ACWD). Any other wells on the property shall be located and destroyed in a similar manner. Field activities shall be coordinated with ACPWA and ACWD so that a well inspector can be present during the destruction of any wells. Contact the ACPWA, Water Resources Section, at 510-670-5554 to obtain the proper permits.

Utilities

35. Prior to issuance of a building permit, the developer shall submit gallon per minute demand to determine proper meter size.
36. Install Reduced Pressure Backflow Prevention Assembly per City of Hayward Standard Detail 202 on all domestic & irrigation water meters.
37. Installation of a separate irrigation meter to avoid sanitary sewer charges on water used for landscape purposes is recommended.

38. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
39. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate per Hayward Municipal Code 11-2.02.1.
40. Water service shall be made available subject to standard conditions and fees in effect at time of application. Allow 4-6 weeks from time of application to installation of water services.
41. Sanitary connections for the new retail building shall be subject to the review, approval, and conditions of the City wastewater treatment plant.
42. All water mains shall be looped.
43. Any water or sewer services that cross CalTrans right-of-way will require a CalTrans permit.

Public Safety

44. The plans shall be submitted for proper building permits and fire permits. At that time, additional requirements will be addressed which pertain to the tenant usage, which will include storage of hazardous materials on storage racking, lumber storage, high pile storage issues, etc. A completed Hazardous Materials Inventory shall be submitted for each building for review by the Fire Department.
45. The building will have an automatic fire sprinkler system installed. The fire sprinkler system shall be designed per NFPA 13 & 24 Standards. If HPS is to occur, then NFPA 231/231-C Standards shall be met for ceiling fire sprinkler densities. Fire extinguishers are also required throughout the building.
46. Fire hydrants are required on site at 300-foot intervals. An additional fire hydrant shall be installed along Industrial Parkway SW at the entrance; this shall be a public hydrant. Fire hydrants shall be double-steamer type with two 4½" outlets and one 2½" outlet. Fire flows shall meet the 1998 CFC, Appendix III-A. Minimum flows for the private fire hydrants shall be 2500 GPM @ 20 PSI.
47. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
 - a. Demolition and construction activities shall meet the requirements of the Hayward Fire Code, Article 87 - "Fire Safety During Construction, Alteration or Demolition of a Building".
 - b. Emergency access shall meet the Hayward Fire Department standards for emergency vehicle turning radius.
 - c. The trash enclosure shall be of a non-combustible construction.
 - d. Fire lanes shall be identified with red curbing and signage.

48. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990. Building addresses shall be installed in approved locations on the building so as to be visible from the street, or provided on a monument sign at the driveway entrances.
49. Any public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Planning Director. Any public telephone allowed to be installed on the exterior of the building shall be limited to out-going calls only and shall be located near the store entry.

Solid Waste

50. The owner(s) and/or tenants shall participate in the City's recycling program. The applicant shall clearly indicate the proposed location and dimensions of each enclosure, indicating whether the trash and recyclables will be compacted. The applicant must also indicate the number and type of refuse and recycling containers that will be used. The space and available capacity provided for the storage of trash must be the same size as that provided for recyclables. The procedure that must be followed regarding sorting and collection of recyclables is provided for in Section 3.2.02 of the Franchise Agreement.
51. A 6-inch wide curb or parking bumpers must be provided along the interior perimeter of trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 foot long, should also be placed between the refuse dumpster(s) and the recycling containers.
52. A minimum space of 12 inches must be maintained between the dumpster(s) and the walls of any trash enclosure and the recycling carts/dumpster to allow for maneuvering the dumpster(s). A drain to the sanitary sewer should be provided beneath the refuse dumpster(s) wherever wet waste, such as food waste, is generated and wherever can washing areas are located.
53. If any equipment/trash enclosure is gated, the gates and hinges must be flush with the enclosure wall. It is important to ensure that the gates open straight out and that the hinges and that the gate be flush with the enclosure wall, in order to allow adequate maneuverability of the equipment/dumpster in and out of the enclosure to service it.
54. The applicant must ensure that there is adequate space for a garbage truck to service each dumpster. A 40-foot turning radius is adequate for garbage trucks.
55. The applicant is required to submit for review by the Solid Waste Manager an on-site recycling plan, which would be implemented during the entire demolition and construction phases. The plan must:
 - a. Show the anticipated start and completion dates of the project.
 - b. Estimate the quantities of construction and demolition waste that will be generated by the project.

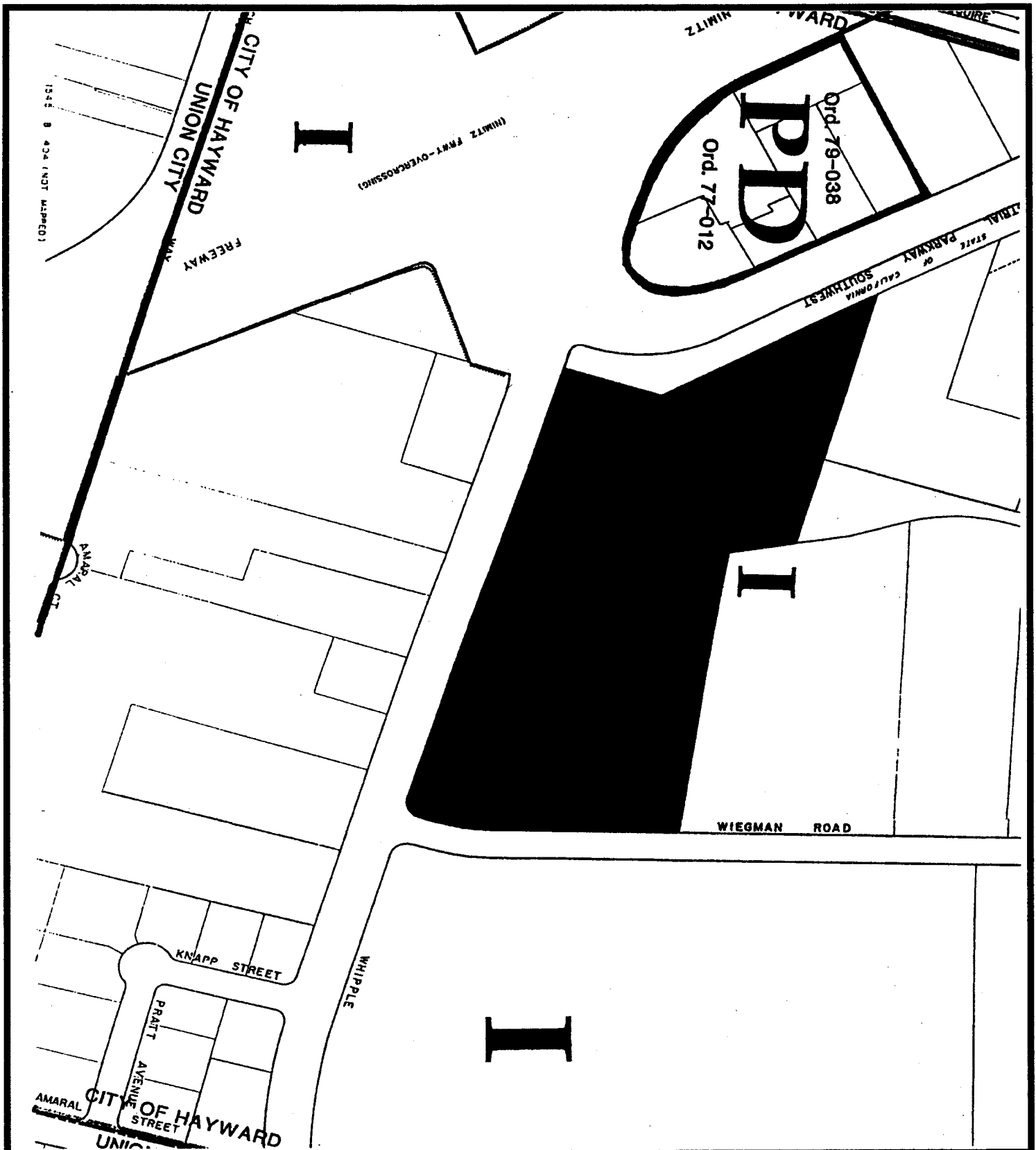
- c. Estimate the quantities of material that will be recycled and identify the facilities that will be used.
- 56. The applicant must ensure that construction and demolition debris is removed from the site by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes, or is directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
- 57. The applicant shall provide for adequate on-site storage capacity for recyclables within the buildings, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other recyclables where these materials are generated.
- 58. The applicant shall ensure that the specifications of any compactor meet the approval of Waste Management.
- 59. The applicant must contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.

Engineering/Transportation Division

- 60. The new box culvert over the flood control channel shall be designed to withstand the GVM of fire apparatus (50,000 lbs.).
- 61. The property frontage along Industrial Parkway SW shall be improved with standard curb, gutter, K-rail barrier and tie-in pavement. The street alignment shall conform to the Precise Plan Line per city file H-635 as modified by the City's Preliminary Industrial Parkway Southwest Road Improvement Plans.
- 62. Dedicate right-of-way on Whipple Road to accommodate the proposed right-turn lane and sidewalk; dedication shall be made prior to issuance of any building permit. Remove the existing sidewalk along Whipple Road and construct a 5½-foot Portland cement concrete sidewalk abutting the curb.
- 63. Whipple Road shall be restriped to include a westbound right-turn lane at Industrial Parkway SW, and a westbound thru-lane. The developer is responsible for coordinating the necessary traffic signal modifications with CalTrans. The restriping will also require the removal of parking on the south side of Whipple Road between Industrial Parkway SW and Wiegman Road. Costs associated with such improvements are the responsibility of the developer.
- 64. Install an island at the Whipple Road main driveway to provide for right-turn out only.
- 65. Install a two-way left-turn lane on Whipple Road between Industrial Parkway SW and Wiegman Road as shown in the traffic study dated March 7, 2001. The northerly stretch of

Whipple Road directly adjacent to the main driveway shall be striped with the words "KEEP CLEAR" to provide a break for left-turn movements.

66. Install a raised median on Whipple Road to prevent left turns into the project driveway directly east of the Whipple Road/Wiegman Road intersection, as shown in the traffic study dated March 7, 2001.
67. Raised medians with a width of 5 feet or greater, between curbs, shall be landscaped at the discretion of the Planning Director; automatic irrigation shall be provided where landscaped. Raised medians of lesser width shall consist of decorative materials between curbs.
68. A preliminary soils report shall be submitted for review and approval of the City Engineer prior to the issuance of a building permit.
69. The applicant shall provide appropriate signage at project entrances and exits. Signage shall meet CalTrans standards. The applicant shall install "Right Turn Only" signs at the exits of all driveways on Industrial Parkway SW and Whipple Road.
70. All overhead utility lines along Industrial Parkway SW and Whipple Road shall be placed underground.
71. The applicant shall pay the appropriate Supplemental Building Construction & Improvement Tax prior to receipt of a certificate of occupancy.
72. Prior to commencement of any clearing, grading or excavation, the developer shall submit evidence to the City that a Notice of Intent (NOI) has been submitted to the State Water Resources Control Board.



Area & Zoning Map

UP & SPR 01-160-05

Address: 30150 Industrial Pkwy/2499 Whipple Rd.

Applicant: Al Shaghaghi

Owner: Wirulla Hayward, LLC/Sellau Properties, Inc.



**DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division**

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

USE PERMIT/SITE PLAN REVIEW 01-160-05 - AL SHAGHAGHI FOR SLS ASSOCIATES, INC. (APPLICANT) / WIRULLA HAYWARD LLC & SELLAU PROPERTIES, INC. (OWNER). Use Permit application to construct a Commercial Retail Center consisting of one retail building of approximately 126,000 square feet for a proposed Target store, with an additional 7,886-square-foot garden center, and one pad area for a future 8,000-square-foot building for restaurant use, on an approximately 13-acre site.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

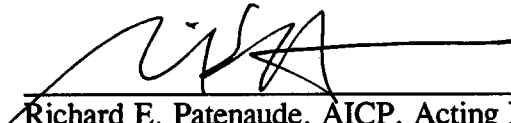
The proposed project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project is in conformance with the General Policies Plan Map designation of Industrial Corridor. It has been determined that regional commercial centers may be compatible on lands of 4 acres or greater with direct freeway access, such as the proposed project is located on a 13-acre parcel with access to I-880 (Nimitz Freeway).
3. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Industrial (I) as proposed.

4. The project will not affect population projections, induce substantial growth or displace existing housing.
5. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground-shaking and liquefaction.
6. The project site contains wetlands under the jurisdiction of the Army Corps of Engineers, an area equal to 3.43 acres. The project proposes to preserve 0.54 acre of on-site seasonal wetland habitat, and compensate for the remainder through either the purchase of mitigation credits, or through off-site restoration at a 1:1 ratio. However, the project is subject to the issuance of a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Streambed Alteration Agreement regarding the wetlands mitigation plan and the improvements to the flood control channel. This project is subject to, and shall comply with, all requirements and conditions of these permits, certifications and agreements. No endangered, threatened or rare species are known to inhabit the project site.
7. A requirement to reduce dust generation and exhaust emissions during construction, and the facilitation of traffic flow by traffic signal management, will reduce air quality impacts to a level of insignificance.
8. The project provides an additional eastbound left-turn lane and a westbound through-lane at Whipple Road/Industrial Parkway SW. Intersections will continue to operate at LOS D or better.
9. Construction related to this project would be designed to perform to applicable codes, and, therefore, would not be in conflict with adopted energy conservation plans.
10. The Fire Department will require appropriate measures to reduce any release of hazardous materials below an acceptable level of risk.
11. The project will have no effect on government services or utilities.
12. The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.
13. No known archaeological or paleontological resources exist on the project site.

IV. PERSON WHO PREPARED INITIAL STUDY:



Richard E. Patenaude, AICP, Acting Principal Planner

Dated: March 9, 2001

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Planning Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4213

DISTRIBUTION/POSTING

Provide copies to project applicants and all organizations and individuals requesting it in writing. Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

**MITIGATION MONITORING PROGRAM
TARGET CENTER
CUP/SPR 01-160-05
Whipple Road @ Industrial Parkway SW**

1. ***AESTHETICS*** – No mitigation required
2. ***AGRICULTURAL RESOURCES*** – No mitigation required
3. ***AIR QUALITY***

Mitigation Measure: Reduce intermittent air pollutants during construction phase

Implementation Responsibility: City

Verification Responsibility: City Building Division

Monitoring Schedule during Plan Review: N/A

Monitoring Schedule during Construction/Implementation: On-going during construction

4. ***BIOLOGICAL RESOURCES***

Mitigation Measure: The project is subject to the issuance of a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Streambed Alteration Agreement regarding the wetlands mitigation plan and the improvements to the flood control channel. This project is subject to, and shall comply with, all requirements and conditions of these permits, certifications and agreements. Compliance with these requirements and conditions will reduce the impact below significance.

Implementation Responsibility: City

Verification Responsibility: Public Works Department

Monitoring Schedule during Plan Review: N/A

Monitoring Schedule During Construction/Implementation: Condition of Approval – On-going during construction and prior to issuance of certificate of occupancy per Department of the Army Individual Permit, Section 401 Water Quality Certification, and Stream Alteration Agreement

5. ***CULTURAL RESOURCES*** – No mitigation required
6. ***GEOLOGY / SOILS***

Mitigation Measure: Submit final grading plan and comply with UBC

Implementation Responsibility: City

Verification Responsibility: City Building Division

Monitoring Schedule during Plan Review: Prior to approval of building permit

Monitoring Schedule during Construction/Implementation: On-going during construction and prior to issuance of certificate of occupancy

7. **HAZARDS & HAZARDOUS MATERIALS** – No mitigation required

8. **HYDROLOGY / WATER QUALITY**

a. **Mitigation Measure:** Submit storm drain plan treat surface water prior to discharge into storm drain system

Implementation Responsibility: City

Verification Responsibility: City Engineering Division

Monitoring Schedule during Plan Review: Prior to approval of building permit

Monitoring Schedule During Construction/Implementation: Condition of Approval – On-going during construction and prior to issuance of certificate of occupancy

b. **Mitigation Measure:** Obtain Department of the Army Individual Permit, Section 401 Water Quality Certification, and Stream Alteration Agreement

Implementation Responsibility: City

Verification Responsibility: Public Works Department

Monitoring Schedule during Plan Review: Condition of Approval - Prior to approval of building permit

Monitoring Schedule during Construction/Implementation: Condition of Approval – On-going during construction and prior to issuance of certificate of occupancy

9. **LAND USE / PLANNING** – No mitigation required

10. **MINERAL RESOURCES** – No mitigation required

11. **NOISE** – No mitigation required

12. **POPULATION / HOUSING** – No mitigation required

13. **PUBLIC SERVICES** – No mitigation required

14. **RECREATION** – No mitigation required

15. *TRANSPORTATION / TRAFFIC*

Mitigation Measure: Add a westbound right-turn lane and a westbound thru-lane at Whipple Road/Industrial Parkway SW

Implementation Responsibility: City

Verification Responsibility: City Engineering Division

Monitoring Schedule during Plan Review: N/A

Monitoring Schedule during Construction/Implementation: Condition of Approval – Prior to opening of store to the public

16. *UTILITIES / SERVICE SYSTEMS* – No mitigation required



Environmental Checklist Form

1. Project title: *Use Permit 01-160-05*
2. Lead agency name and address: *City of Hayward Planning Division*
3. Contact person and phone number: *Richard Patenaude, AICP, Acting Principal Planner, 510-583-4213*
4. Project location: *Northeast corner of Whipple Road and Industrial Parkway Southwest*
5. Project sponsor's name and address:
David Gilmore, Grae Ventures Inc., 1801 Century Park East, Ste 1080, Los Angeles, CA 90067
6. General plan designation: *Industrial Corridor*
7. Zoning: *Industrial (I)*

8. Description of project: *Use Permit application to construct a Commercial Retail Center consisting of one retail building of approximately 126,000 square feet for a proposed Target store, with an additional 7,886-square-foot garden center, and one pad area for a future 8,000-square-foot building for restaurant use, on an approximately 13-acre site.*

The eastern portion of the site is currently vacant of structures, contains weeds, and is surrounded by a 6-foot chain-link fence. The fence separates the eastern portion from the western portion of the property. The western portion is currently occupied by a one-story, approximately 20-foot high steel building and one 9-foot-high portable building, located within the northeastern section of the western portion of the site. These buildings will be removed/demolished to accommodate the proposed development.

An Alameda County flood control channel is located between the property and Industrial Parkway Southwest. It is about 35 feet wide and 6 feet deep. The existing culvert within the flood control channel, which currently allows for access to the western portion of the site, will be removed. A new larger-volume earth-bottom box culvert will be installed across the channel. Utilities will be placed within the crossing structure.

An embankment will be built parallel to the flood control channel, forming a terrace that supports a 10-15-foot-wide, 250-foot-long compensation seasonal wetland (approx. 0.21 acre). The terrace design will include a small spillway which will catch rainwater and overflow from the channel, and will be planted with low-lying and grassy vegetation. A green buffer will be planted along the wetland margin to reduce noise and glare from the development.

The project proposes to preserve approximately 0.54 acres of the existing 3.43 acres of wetland habitat and to provide offsite mitigation for 2.89 acres of direct impact seasonal wetlands and 0.04 acres of offsite perennial drainage. Extensive plantings and a fence will be provided around the on-site wetlands preserve area.

The proposed Target building will be located at the southeast corner of the site, with the storefront facing Industrial Parkway and the loading area facing Wiegman Road. The garden center area will be located on the north side of the larger building. The pad elevation for this building is approximately 5 feet above the street level on Wiegman Road at the north end of the property. The future restaurant building is set back in the northwest portion of the site and faces the intersection of Industrial Parkway SW and Whipple Road.

Access to the site is provided from four driveways: a driveway on Industrial Parkway SW, two driveways on Whipple Road, and a driveway on Wiegman Road. All driveways will be stop

sign controlled for vehicles exiting the site. Primary truck access is provided from the driveway on Wiegman Road.

To mitigate the impacts of increased traffic, a westbound through-lane on Whipple Road, an eastbound left-turn lane at Whipple Road/Industrial Parkway SW, and an eastbound left-turn pocket into the center of the site are proposed.

The Target building will be 26 feet in height and of concrete masonry units. It is designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding industrial and retail uses. The pad architecture will complement this architectural style.

The building elevations have been significantly upgraded on the west and south side, incorporating a new façade element on the south elevation that provides a contrast in building mass similar to that of the west elevation. The east elevation will require upgrades to be consistent with the others.

The project provides extensive landscape throughout the site. A combination of vertical-growth landscaping and vine-covered trellises will be provided along all elevations of both buildings to soften the visual impact of building mass. All loading areas that can be seen from the street or parking area will be densely screened with vertical masonry walls and landscaping. Plantings are also included between the larger building and the wetland area on the south side.

A lighting plan has been prepared which proposes light poles in the main planters across the front of the larger building in order to illuminate the front of the building.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
North: *Industrial (Burke Beverage of California distribution warehouse building and U-Save Rockery)*
South: *Commercial (CHP Hayward office building; Whipple Auto Body service building; Associates Parts and Brakes Supply commercial building; Motel 8 commercial building; Crescent Trucks parking lot; Unocal 76 Gasoline Station)*
East: *Industrial (Reynolds Ball Can Plant – vacant)*
West: *Public (flood control canal)*
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
*U.S. Army Corps of Engineers, California Department of Fish and Game
Regional Water Quality Control Board, Alameda County Flood Control District*

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

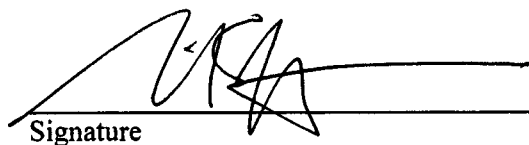
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

3/9/01

Date

Richard E. Patenaude
Printed Name

City of Hayward
Agency

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The development of the site may result in a negligible increase in light and glare generated from building and parking lot lighting, but will not have an adverse impact on surrounding areas. Under the proposed lighting plan, the height of the light poles will be 38-45 feet. The project will have a less than significant impact due to created light or glare.

The project is located in an area zoned for industrial and commercial uses. The site is surrounded by both industrial and commercial uses. Substantial efforts have been made to ensure the project design is consistent with the surrounding uses. The Target building is designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding industrial and retail uses alike. The architectural style was specifically chosen as one appropriate to the use and location of the project. The materials and design depict and convey an industrial use which is consistent with its location and intended function. The pad architecture will complement this architectural style.

Several architectural treatments have been added to the buildings, including planters and trellises. For instance, the blank wall of the larger building will be treated with vine-covered metal trellises. The building elevations have been significantly upgraded on the west, south and east side, incorporating a new façade element on the south elevation that provides a contrast in building mass similar to that of the east elevation.

The project provides extensive landscape throughout the site. A combination of vertical-growth landscaping and vine-covered trellises will be provided along all elevations of both buildings to soften the visual impact of building mass. All loading areas that can be seen from the street or parking area will be densely screened with vertical masonry walls and landscaping. The screen walls at each loading dock incorporate vertical trellis elements consistent with those provided on the other elevations. Plantings are also included between the larger building and the wetland

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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area on the south side. Additional planters have been added to provide a tree for every six parking spaces.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

See comments and Mitigation Measures for b) below.

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

The Bay Area Air Quality Management District ("BAAQMD") has established thresholds for determining the significance of potential air quality impacts. When operating, emissions from project related vehicle trips are not expected to reach a level that would violate these thresholds or contribute significantly to an existing or projected air quality violation.

There are five major air pollutants for which ambient air quality standards have been set by both Federal and State agencies: photochemical oxidants (ozone), carbon monoxide (CO), total suspended particulates (TSP), nitrogen dioxide (NO2), and sulphur dioxide (SO2). The ambient concentrations of these pollutants are continually measured by a network of monitoring stations maintained by the BAAQMD.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Approval of the project will result in short term air quality impacts related to grading and construction and on-going air quality impacts related to increased auto-trips and congestion. The short term impacts will include dust generated by clearing and grading activities, exhaust emissions from gas- and diesel powered construction equipment, and vehicular emissions associated with the commuting of construction, and it is likely that the State's particulate standard may be temporarily exceeded in surrounding areas. However, these impacts would be similar to impacts generated by similar retail development projects in the City.

Mitigation Measure: To mitigate the identified air quality impacts, the following measures should be incorporate into the project:

- 1) Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;
- 2) Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;
- 3) Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust;
- 4) Street sweeping shall be conducted to control dust and dirt tracked from the project site; and
- 5) Designate a person to oversee the implementation of the dust control program.

Implementation of the above-stated mitigation measures will reduce the air quality impacts to a non-significant level.

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

See comments and Mitigation Measures for c) above.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Expose sensitive receptors to substantial pollutant concentrations?
<i>The project would not involve emissions of toxic air contaminants or potential accidental release of hazardous air materials. There are no sources of toxic air contaminants or potential sources of accidental releases of acutely hazardous air materials within the immediate project vicinity.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

If uncontrolled, dust generated by project grading activities could cause adverse health effects and nuisance concerns at downwind locations.

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However, the conditions of approval of required grading permits would include measures, such as watering of exposed earth, that would minimize construction-related dust emissions, as set forth above.

e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not involve activities that generate objectionable odors. In addition, the City Zoning Ordinance requires that industrial uses comply with regulations of the BAAQMD, which restrict the generation of objectionable odors.

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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A Request for Verification of the Wetland Delineation and Pre-Construction Notification was prepared by ECORP Consulting, Inc., on February 10, 2000 and revised on April 19, 2000 ("Wetland Delineation"). According to that report, the California Department of Fish and Game's Natural Diversity Data Base ("NDDB") identifies no occurrences of special-status species within the Industrial Parkway project site.

Based on a rare plant survey conducted on the site, it was concluded that there are no federally-listed plants on the site. Raptor and burrowing owl surveys were also conducted, which resulted in the determination that no nesting raptors or burrowing owls presently occur on-site.

The adjacent perennial drainage may be considered suitable habitat for the federally-listed California red-legged frog. Since the project site is biologically isolated and surrounded by industrial and commercial development, it is highly unlikely that the flood control channel is suitable habitat for the California red-legged frog. The project will result in less than significant impacts to endangered, threatened or rare species or their habitats.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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See comments to a) above.

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Significant
Impact | Potentially
Significant
Unless
Mitigation
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Significant
Impact | No
Impact |
|--|--------------------------------------|---|------------------------------------|--------------------------|
| b) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

According to the Wetland Delineation, approximately 3.43 acres of wetland habitat are located within the project site. The project would directly affect 2.89 acres of seasonal wetland habitat, and approximately 0.04 acre of perennial drainage adjacent to the site, resulting in direct impacts to 2.93 acres of wetland habitat. The majority of impacts will result from mass grading to prepare the site for development.

Mitigation Measure: The project will preserve 0.54 acre of on-site seasonal wetland habitat. Although bordered by streets, the preserve will be located away from the parking area, thus reducing the potential for debris and hydrocarbons entering the preserve area. Perimeter planting will be provided around the preserve where feasible to reduce indirect impacts (light and noise). The preserve will be fenced with signage describing the sensitivity of the potential habitat.

Mitigation Measure: The project also proposes to compensate for unavoidable impacts (due to the nature of the development and design constraints) through either the purchase of appropriate mitigation credits from an agency-approved mitigation bank or off-site, in-kind habitat restoration, at a 1:1 ratio (compensation:impact). The project, with incorporated measures, will not result in significant impacts to wetland habitat.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

V. CULTURAL RESOURCES -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A Cultural Resources Assessment was prepared by ECORP Consulting,

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Inc., on February 22, 2000 ("Cultural Resources Assessment"). No archaeological resources are known to exist at the project site.

If previously unknown resources are encountered during grading activities, this could result in a potentially significant impact. The project will adopt standard mitigation measures in connection with potential archaeological resources.

Any cultural remains exposed or discovered during the course of project work will be treated as an inadvertent discovery and procedures specified at 36 CFR §800.13 will be followed. Any Native American Graves Protection and Repatriation Act related discoveries made during the course of landscape modification will be handled with reference to a "Plan of Action" which will be developed. Any Native American cultural resources concerns involving traditional cultural properties or sacred sites will be duly considered prior to ground disturbance.

Implementation of these mitigation measures will ensure that the project has a less than significant impact related to cultural resources. The project will have a less than significant impact related to cultural resources.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☐ ☐ ☒

According to the Cultural Resources Assessment, no paleontological resources are known to exist at the project site.

d) Disturb any human remains, including those interred outside of formal cemeteries? ☐ ☐ ☐ ☒

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: ☐ ☐ ☐ ☐

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ☐ ☐ ☐ ☒

A Geotechnical Investigation Report was prepared for the proposed project by Kleinfelder, Inc. on July 25, 2000 ("Geotechnical Investigation Report"). According to that report, the active Hayward, San Andreas, and Calaveras faults are located approximately 2.2 miles northeast, 16 miles southwest, and 14 miles northeast of the site, respectively. The project site is not within an Alquist-Priolo

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Earthquake Fault Zone, and no active shear zones are known to exist at the site.

Although it is likely that the site will be subjected to a major earthquake during the life of the proposed structure, no active faults are believed to exist within the project site. Therefore, during such an event it is unlikely that surface rupture due to faulting or severe ground shaking will occur at the site. Moreover, based on the thickness of the potentially liquefiable sand layer, the thickness of the unliquefiable layer of the sand layer, and the maximum ground horizontal acceleration, ground rupture is not anticipated at the site. The proposed structures will be designed in accordance with applicable seismic provisions of the building codes. For a code equivalent lateral force design, the procedures from the 1997 Uniform Building Code will be used.

The project will not result in or expose people to potential impacts due to fault rupture.

ii) Strong seismic ground shaking?

☐
☒
☐
☐

According to the Geotechnical Investigation Report, historically the area has been subject to intense seismic activity. The site will likely be subjected to strong ground shaking from a major earthquake on the Hayward, San Andreas or Calaveras faults or other active faults in the Bay Area.

Mitigation Measure: *The proposed project will be built to the most recent Uniform Building Code regulations.*

The project, with incorporated mitigation measures, will not result in or expose people to potential impacts due to seismic ground shaking.

(See also comments under VI.a.i)

iii) Seismic-related ground failure, including liquefaction?

☐
☒
☐
☐

Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. Potentially liquefiable material was encountered beneath the proposed structures in the site, which may result in settlement should a significant earthquake occur in the Bay Area.

Mitigation Measure: *Soil improvement techniques, such as geogrid reinforcement or lime treatment of the near surface soils, will be utilized and will significantly reduce the total settlement due to potentially liquefiable material.*

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A shallow foundation system with special subgrade preparation, as set forth in the Geotechnical Investigation Report, will be implemented as appropriate in order to reduce total and differential settlement due to the soft soils, and due to possible liquefaction.

The project, with incorporated mitigation measures, will not result in or expose people to potential impacts due to seismic ground failure, including liquefaction.

iv) Landslides?

The site is on relatively level land. The site and surrounding area does not contain steep slopes and is relatively devoid of topographic changes. The project will not result in or expose people to potential impacts involving landslides or mudflows

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in substantial soil erosion or the loss of topsoil?

Grading at the site for the Target building will include up to 4 feet of fill, with a maximum depth of 1 foot of cut associated with the loading docks. Approximately 2 1/2 feet of fill will be placed at the restaurant building's location. Grading elsewhere is anticipated to be limited to about 3 feet of cut or fill.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The proposed construction will increase the amount of impervious surface area on-site. Due to the fact that the site is relatively flat with existing drainage and the developed nature of the surrounding environment, site soil modifications are not expected to result in potentially significant impacts.

Placement of fill at the site will create settlement. However, since the buildings will be supported on a stiff foundation system, the impact of settlement due to fill placement should not significantly affect the differential settlement estimated for building loads.

The project will have less than significant impacts due to erosion, changes in topography or unstable soil conditions from excavation, grading or fill.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

See comments and Mitigation Measures to a) and b) above.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

According to the Geotechnical Investigation Report, moderate to highly

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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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expansive surficial clayey soils are present at the site. Because of the presence of these soils, continuous footings will be used around the perimeter of the buildings. In order to reduce the impact of these soils on floor slabs, the floor slabs will be underlain by 6 inches of capillary break material over 12 inches of "non-expansive imported" fill, and beneath exterior flatwork and pavement areas, will be moisture conditioned. The project will have less than significant impacts due to expansive soils.

(See also comments under VI.a.i and VI.a.iii.)

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed construction will increase the amount of impervious surface area on-site. This will result in slightly lower absorption rates than the existing clay soils. However, this is not expected to result in potentially significant impacts.

The Master Drainage Plan for this area, which was prepared by Alameda County Flood Control District, provides for collection of storm water runoff from this site in an existing underground storm drain system in Wiegman Road. The drainage stub location in Wiegman Road is consistent with the west to east slope of existing ground. The underground storm drain system proposed for this project will connect to the existing Wiegman Road system in accordance with Alameda County Flood Control District standards.

In accordance with the requirements of the Alameda County Flood Control District, the on-site storm drain system will be oversized to provide onsite detention to limit post project flows to the original estimated storm water discharges anticipated by Alameda County's master drainage plan.

It is anticipated that the total volume of runoff from the site will exceed current volumes. However, with the onsite pipe detention system, the runoff rate will be metered to levels consistent with the Alameda County Storm Drain System.

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The project is not expected to result in potentially significant impacts due to changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.

f) Otherwise substantially degrade water quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project will result in the discharge of urban runoff into existing Alameda County Flood Control District facilities, which ultimately discharge into surface waters. The runoff from the site will be treated with underground vaults incorporating continuous deflective separation technology or other liquids/solids/oils separation technology to remove sediments and oil from site runoff. The project is not expected to result in potentially significant impacts with incorporation of these underground treatment facilities.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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According to Flood Insurance Rate Maps published by the Federal Emergency Management Agency, the site is located in Flood Zone C. Flood Zone C consists of areas of minimal flooding.

In addition, the finished floor of the proposed structures will be raised above elevated 9.0, which is the maximum local flood plain water surface elevation anticipated by Alameda Flood Control District. The project will not result in exposure of people or property to hazards such as flooding.

j) Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not divide the established community in the project area.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is surrounded by industrial and commercial development.

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The City has determined that retail and industrial uses are compatible in the area. The project is compatible with existing land uses in the vicinity. Substantial architectural efforts have been made to develop a design which is consistent with the retail/industrial mix in the community. The project will not be incompatible with existing land use in the vicinity

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. NOISE - Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Due to the project's location on Industrial Parkway SW, construction activities and future noise levels generated by the operation of the project are not anticipated to increase over existing noise levels.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not induce substantial growth.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not displace existing housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, maintenance of public facilities, including roads, and in other government services. Because the proposed project is a commercial development, it would have no effect on schools.

Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See comment under XIII.a.

Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See comment under XIII.a.

Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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A Traffic Impact Analysis was prepared by Kimley-Horn and Associates, Inc., on March 1, 2001 ("Traffic Impact Analysis"). According to that report, the proposed project is expected to generate 8,625 ADT, with 152 AM peak hour and 572 PM peak hour trips.

The City of Hayward has established a level of service ("LOS") policy to maintain LOS D or better at all signalized intersections (General Plan, Circulation Element, October 1997). One exception to this standard is that LOS E is acceptable in certain conditions due to costs of mitigation or when there would be other unacceptable impacts.

The City has a high priority funded project to widen Industrial Parkway SW from a two-lane roadway to a four-lane roadway from just north of Whipple Road to the Home Depot Driveway. The improvements were incorporated into the Existing and Cumulative analyses.

Without mitigation, all study intersections will operate at LOS D or better under all conditions, with the exception of Whipple Road/Industrial Parkway SW and Whipple Road/SB I-880 ramps/Dyer Street intersections.

Mitigation Measures: (to reduce the LOS at the intersection) 1) add an eastbound left turn lane and 2) add a westbound through lane. Due to the addition of the westbound through lane, parking on the south side of Whipple Road, east of the intersection, will have to be removed. In addition, due to the restriping of the roadway to incorporate the new lanes, new signal poles with associated mast arms and heads will have to be installed on the northeast intersection corner.

With these mitigation measures, the Whipple Road/Industrial Parkway SW intersection will operate at LOS D under all conditions.

The Whipple Road/SB I-880 ramps/Dyer Street intersection operates below the City's LOS D requirement under both existing and cumulative conditions. Development of the project will only cause a small additional

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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delay at this intersection, therefore the project will not have a significant impact at this intersection. There are no apparent mitigation measures at the intersection of Whipple Road/SB 880 ramps/Dyer Street that will reduce the LOS at the intersection to the LOS D threshold under the "Cumulative (approved)" and the "Cumulative (approved + planned)" conditions. The existing intersection has been recently improved to an apparent built-out state.

Direct access to the Project site will be provided by four driveways: a driveway on Industrial Parkway SW, two driveways on Whipple Road, and a driveway on Wiegman Road. All driveways will be stop sign controlled for vehicles exiting the site. In addition, one driveway on Whipple Road will be restricted to left turn in and right turn out, and be striped "KEEP CLEAR." The second driveway on Whipple Road will be restricted to right turn in and right turn out due to the close proximity to Wiegman Road. The driveway on Industrial Parkway SW will also be restricted to right turn in and right turn out due to the existing median and the close proximity to the Whipple Road intersection. The driveways are expected to operate at acceptable levels of service both under "Existing plus Project" and "Cumulative (Approved + Planned) plus Project" conditions. Primary truck access is provided from the driveway on Wiegman Road.

The project has adequate on-site circulation. Further the parking supply is adequate and meets the City's code requirements. The project, with incorporated mitigation measures, will not result in increased vehicle trips or traffic congestion.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

☐ ☒ ☐ ☐

See response to a) above.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

☐ ☐ ☐ ☒

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

☐ ☐ ☐ ☒

e) Result in inadequate emergency access?

☐ ☐ ☐ ☒

f) Result in inadequate parking capacity?

☐ ☐ ☐ ☒

The City of Hayward Parking Ordinance requires the Project to provide 4 parking spaces per 1,000 square feet of retail building space. As a result, 660 parking spaces are required for the Project. The site plan provides 712 parking spaces. Therefore, the proposed Project meets the City's code requirement for parking.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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The mitigation at Whipple Road/Industrial Parkway SW will require the removal of parking on the south side of Whipple Road between Industrial Parkway SW and Wiegman Road. There are only ten existing on-street parking spaces servicing seven businesses that front the roadway. The remaining curb area currently prohibits parking along Whipple Road. The total number of on-street parking spaces which will have to be removed is a small percentage of the total parking available for each business. The number of on-street parking spaces used for each business is minimal. The businesses have off-street (on-site) parking lots with sufficient striped spaces available to supply any on-street parking demand, and each of these facilities has additional un-striped parking areas for additional vehicles.

Given the parking demand and the off-street (on-site) parking supply available for each business, the removal of parking will not be a significant impact. The project will not result in insufficient parking capacity onsite or offsite.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project will connect to the existing Alameda County Flood control District Storm Drain System in Wiegman Road. In accordance with the requirements of the Alameda County Flood Control District, the on-site storm drain system will be oversized to provide onsite detention to limit post-Project flows to the original estimated storm water discharges anticipated by Alameda County's master drainage plan. The project will not result in a significant need for new systems or supplies, or substantial alterations to the existing storm water drainage.

(See also comments under VIII. Water.)

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
needed?				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

See comment under XVI.c.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>